

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 627

BY EDUCATION COMMITTEE

AN ACT

RELATING TO CHILDREN; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1501A, IDAHO CODE, TO PROVIDE THAT A PERSON EIGHTEEN YEARS OF AGE OR OLDER IS GUILTY OF A FELONY FOR CAUSING OR PERMITTING A PERSON UNDER THE AGE OF FIFTEEN TO INGEST OR INHALE, OR HAVE CONTACT WITH, CERTAIN SUBSTANCES, TO PROVIDE THAT A PERSON EIGHTEEN YEARS OF AGE OR OLDER IS GUILTY OF A MISDEMEANOR IF THE PERSON IS FOUND IN POSSESSION OF DRUG PARAPHERNALIA IN THE PRESENCE OF A PERSON UNDER THE AGE OF EIGHTEEN AND TO PROVIDE PENALTIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 15, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-1501A, Idaho Code, and to read as follows:

18-1501A. ENDANGERMENT OF CHILD. (1) Any parent, guardian, conservator, or individual or institution that is responsible by relationship, contract or court order to provide food, shelter or clothing, medical or other life-sustaining necessities to a child under fifteen (15) years of age, or any person eighteen (18) years of age or older who knowingly or intentionally, causes or permits a person under the age of fifteen (15) years to ingest or inhale, or have contact with, methamphetamine, cocaine, heroin, or derivatives thereof, or an immediate precursor substance, as those terms are defined in section 37-2701, Idaho Code, is guilty of a felony. Unless a more severe penalty is otherwise prescribed by law, any person who is found guilty of or pleads guilty to violating the provisions of this subsection (1), shall upon a first conviction be imprisoned in the state prison for a period not to exceed three (3) years and be subject to a fine not to exceed five thousand dollars (\$5,000), or by both such fine and imprisonment. Upon a second or subsequent conviction or convictions, the person shall be imprisoned in the state prison for a period not to exceed ten (10) years, or be subject to a fine not to exceed twenty-five thousand dollars (\$25,000), or by both fine and imprisonment.

(2) Any person eighteen (18) years of age or older who is found to be in the possession of drug paraphernalia as defined in section 37-2701, Idaho Code, while in the presence of a person under the age of eighteen (18) years, is guilty of a misdemeanor.